

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 14-56—HB 5293**

*Veterans' Affairs Committee*

*Judiciary Committee*

**AN ACT CONCERNING STOLEN VALOR, VETERANS' SERVICE OFFICERS AND TECHNICAL CORRECTIONS TO THE DEFINITION OF VETERAN**

**SUMMARY:** This act limits the crime of falsely representing oneself as having a military medal to cases in which a person does so with the intent to fraudulently obtain money, property, or other tangible benefits. Under prior law, a person committed this crime if he or she falsely represented himself or herself, orally or in writing, as a recipient of any Congressional decoration or medal; armed forces service medal or badge; or the ribbon, button, rosette, or “colorable imitation” of any such decoration, medal, or badge. The act retains the penalty of a fine between \$500 and \$1,000, up to six months imprisonment, or both.

By law, pretrial diversionary programs are available to criminal defendants who have committed certain crimes. The criteria and the service providers may differ if the defendant qualifies as a “veteran,” which, under prior law, included (1) a veteran discharged or released from the U.S. Armed Forces under conditions other than dishonorable and (2) his or her surviving spouse, children, or parents. The act limits these veteran-specific aspects of the accelerated pretrial rehabilitation, pretrial drug education, and psychiatric disabilities diversionary programs to the veterans. It treats family members of such veterans the same as nonveterans.

By law, a municipality must designate a municipal employee as a veterans’ service contact if it does not (1) have a veterans’ advisory committee and (2) provide funding for a veterans’ service officer. The act explicitly requires any municipality that shares an advisory committee with other municipalities to designate an employee to serve as the contact person.

**EFFECTIVE DATE:** Upon passage, except for the medal provision, which is effective October 1, 2014.

**BACKGROUND**

*U.S. v. Alvarez*

In *U.S. v. Alvarez*, the U.S. Supreme Court ruled that the federal military medal misrepresentation statute was unconstitutional because it violated a person’s First Amendment right to free speech (132 S. Ct. 2537 (2012)). The plurality opinion stated that there is no general First Amendment exception for false statements, but acknowledged there are many laws punishing or criminalizing false statements that cause definite and identifiable harm (e.g.,

fraud).

*Pretrial Diversionary Programs*

Under Connecticut's criminal justice system, criminal defendants may avoid prosecution and incarceration by successfully completing court-sanctioned community-based treatment programs (called diversionary programs) before the trial. Participants waive their right to a speedy trial and agree to a tolling of the statute of limitations. A defendant who does not complete or is ineligible for the program is brought to trial.

*Veterans' Service Contact Person's Duties*

By law, the contact person must perform the same duties that the law requires veterans' advisory committees to perform, including:

1. coordinating all matters concerning veterans and their dependents;
2. coordinating public and private facilities concerned with veterans' reemployment, education, rehabilitation, and adjustment to peacetime living;
3. cooperating with all national, state, and local government and private agencies in securing services and benefits to which a veteran or his or her dependents may be entitled;
4. encouraging and coordinating veterans' vocational training services; and
5. working with veterans' organizations as much as possible to carry out these activities (CGS § 27-135).

OLR Tracking: DC:KD:JKL:ro